

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WARNER BROS. ENTERTAINMENT INC.;
TWENTIETH CENTURY FOX FILM
CORPORATION; COLUMBIA PICTURES
INDUSTRIES, INC.; UNIVERSAL CITY STUDIOS
LLC; UNIVERSAL STUDIOS HOME
ENTERTAINMENT LLC; DISNEY ENTERPRISES,
INC.; PARAMOUNT PICTURES CORPORATION;
and VIACOM INTERNATIONAL, INC.,

Plaintiffs,

v.

PHAT BUI and DOES 1-10, D/B/A PUBFILM.COM,
PUBFILMNO1.COM, PUBFILMHD.COM,
PIDTV.COM, TOP100FILM.COM, and
IDMCA.NET,

Defendants.

CIV. A. NO. 17-CV-875 (VM)

**AFFIRMATION OF
KENNETH L. DOROSHOW IN
SUPPORT OF PLAINTIFFS'
REQUEST FOR ENTRY OF
DEFAULT**

I, Kenneth L. Doroshow, affirm and declare as follows under penalty of perjury as prescribed in 28 U.S.C. § 1746:

1. My name is Kenneth L. Doroshow. I am over 18 years of age and competent to make this affirmation.

2. I am a member in good standing of the Bar of this Court and a partner with the law firm of Jenner & Block LLP, attorneys for Plaintiffs in the above-captioned action. The statements made in this affirmation are based upon my personal knowledge or upon information provided to me by personnel working under my supervision that I believe to be correct.

3. I make this affirmation pursuant to Rules 1.9 and 55.1 of the Civil Rules of the United States District Court for the Southern District of New York, in support of Plaintiffs'

Request for Entry of Default. If called to testify as a witness, I would testify as follows:

4. Jurisdiction of the subject matter is based on 28 U.S.C. §§ 1331, 1332, 1338(a) and (b), 15 U.S.C. §§ 1116 and 1121, and 17 U.S.C. § 502.

5. This action was commenced on February 6, 2017 with the filing of a Summons and Complaint. *See* Dkt Nos. 16, 20.

6. On February 7, 2017, the Court issued an ex parte temporary restraining order against Defendants and issued an order to show cause for preliminary injunction (the “February 7 Order”). *See* Dkt. No. 37. The Court authorized service of the Summons and Complaint, and the February 7 Order, by electronic mail. *See* Dkt. No. 37 at 6.

7. On February 15, 2017, Defendants were served with the Summons and Complaint, and the February 7 Order, by electronic mail at the email addresses admin@pubfilm.com, mrwhit321@gmail.com, sand_pox@yahoo.com, quangphatbui@gmail.com, sighlove01@gmail.com, and pidtv@domaintsbyproxy.com, as authorized by the Court. *See* Dkt. No. 37 at 6; Dkt. No. 23 ¶ 8 (identifying email addresses); Dkt. No. 24 ¶ 28 (same); Dkt. No. 22 at 36 n.5 (same).

8. On February 17, 2017, the Court held a hearing on the order to show cause, at which Defendants did not appear. The Court granted Plaintiffs’ request for a preliminary injunction. *See* Dkt. No. 39.

9. On February 22, 2017, proof of service of the Summons and Complaint, and of the February 7 Order, was filed with this Court. *See* Dkt. No. 40 ¶ 4.

10. To date, and as indicated by the docket entries, Defendants have failed to submit any answering papers or to otherwise move or respond with respect to the Complaint. Defendants have failed to serve any answer or response on Plaintiffs’ attorneys of record. Defendants have

not been granted any extension of time to respond to the Complaint. Defendants are, therefore, in default by more than nine (9) months.

11. There is no indication or reason to believe that Defendants are minors, mentally incompetent, or in the military service of the United States of America. *See* Dkt. No. 24 ¶¶ 20-27.

WHEREFORE, Plaintiffs respectfully request the entry of default.

I affirm and declare under the penalty of perjury that the foregoing is true and correct.

Executed: December 20, 2017
Washington, D.C.

s / Kenneth L. Doroshow

Kenneth L. Doroshow (KD-8374)
1099 New York Ave., N.W.
Suite 900
Washington, DC 20001
Telephone: (202) 639-6027
Facsimile: (202) 661-4855